



## AGENDA BILL APPROVAL FORM

<b>Agenda Subject:</b> Ordinance No. 6289		<b>Date:</b> January 19, 2010
<b>Department:</b> Public Works	<b>Attachments:</b> Ordinance No 6289, Exhibit A, Exhibit B and Staff Report	<b>Budget Impact:</b> \$ 0
<b>Administrative Recommendation:</b>  City Council introduce and adopt Ordinance No 6289.		
<b>Background Summary:</b>  The City of Auburn has determined that the right-of-way in the vicinity of the alley south of West Main Street and west of G Street SW is no longer needed to meet the needs of the City and should be vacated.  Ordinance No. 6289, if adopted by City Council, vacates the right-of-way and surpluses and transfers the ownership of utilities in the right-of-way as outlined in the ordinance.		
W0301-7 O3.9 V4-09		
<b>Reviewed by Council &amp; Committees:</b> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Arts Commission  <input type="checkbox"/> Airport  <input type="checkbox"/> Hearing Examiner  <input type="checkbox"/> Human Services  <input type="checkbox"/> Park Board  <input type="checkbox"/> Planning Comm.         </div> <div> <b>COUNCIL COMMITTEES:</b>  <input type="checkbox"/> Finance  <input type="checkbox"/> Municipal Serv.  <input type="checkbox"/> Planning &amp; CD  <input type="checkbox"/> Public Works  <input type="checkbox"/> Other _____         </div> </div>		<b>Reviewed by Departments &amp; Divisions:</b> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Building  <input type="checkbox"/> Cemetery  <input type="checkbox"/> Finance  <input type="checkbox"/> Fire  <input checked="" type="checkbox"/> Legal  <input checked="" type="checkbox"/> Public Works         </div> <div> <input type="checkbox"/> M&amp;O  <input type="checkbox"/> Mayor  <input type="checkbox"/> Parks  <input type="checkbox"/> Planning  <input type="checkbox"/> Police  <input type="checkbox"/> Human Resources         </div> </div>
<b>Action:</b> Committee Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No      Call for Public Hearing ____/____/____ Referred to _____ Until ____/____/____ Tabled _____ Until ____/____/____		
<b>Councilmember:</b> Wagner		<b>Staff:</b> Dowdy
<b>Meeting Date:</b> March 1, 2010		<b>Item Number:</b> VIII.A.1

**ORDINANCE NO. 6 2 8 9**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
AUBURN WASHINGTON, VACATING RIGHT-OF-WAY OF  
THE ALLEY LOCATED SOUTH OF WEST MAIN STREET  
AND WEST OF G STREET SW WITHIN THE CITY OF  
AUBURN, WASHINGTON

WHEREAS, the City of Auburn, Washington, has received a petition by not less than two-thirds (2/3) of the owners of property adjacent to the alley located south of West Main Street and west of G Street SW, surrounded by Parcel No. 3915000005, within the City of Auburn, Washington, requesting vacation of the same; and

WHEREAS, the City Council of the City of Auburn, Washington, has, after a review of its needs for streets and right-of-ways in the vicinity of the alley located south of West Main Street and west of G Street SW, surrounded by Parcel No. 3915000005, within the City of Auburn, Washington, determined that consideration should be given to the vacation of the same; and

WHEREAS, a public hearing was held in connection with the possible vacation, with notice having been provided pursuant to statute; and

WHEREAS, the City Council of the City of Auburn, Washington, has considered all matters presented at the public hearing on the proposed vacation, held on the 1<sup>st</sup> day of March, 2010, at the Auburn City Council Chambers in Auburn, Washington.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON DO ORDAIN as a non-codified ordinance as follows:

**Section 1. Vacation.** That the right of way located in the vicinity of the alley located south of West Main Street and west of G Street SW, surrounded by Parcel No.

3915000005, located within the City of Auburn, Washington, legally described as follows:

THAT PORTION OF THE NORTHWEST QUARTER OF THE  
SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 21  
NORTH, RANGE 4 EAST, W.M., IN KING COUNTY,  
WASHINGTON DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT  
"A", CITY OF AUBURN LOT LINE ADJUSTMENT NUMBER  
LLA03-005, RECORDED UNDER RECORDING NUMBER  
20030506002371, IN KING COUNTY, WASHINGTON;  
THENCE ALONG THE EASTERLY LINE OF SAID LOT "A"  
SOUTH 0° 01' 00" WEST FOR 134.00 FEET TO THE  
NORTH LINE OF THE ALLEY IN BLOCK 1 OF  
KNICKERBOCKER'S FIRST ADDITION TO THE TOWN OF  
AUBURN ACCORDING TO THE PLAT THEREOF  
RECORDED IN COLUME 16 OF PLATS AT PAGE 23,  
RECORDS OF KING COUNTY, WASHINGTON AND THE  
TRUE POINT OF BEGINNING;  
THENCE SOUTH 90° 00' 00" WEST ALONG SAID NORTH  
LINE FOR 130.78 FEET TO THE WEST LINE OF SAID  
BLOCK 1;  
THENCE SOUTH 02° 32' 30" EAST ALDON SAID WEST  
LINE FOR 16.02 FEET TO THE SOUTH LINE OF SAID  
ALLEY;  
THENCE NORTH 90° 00' 00" EAST ALONG SAID SOUTH  
LINE FOR 130.07 FEET TO AN ANGLE POINT IN THE  
EASTERLY LINE OF SAID LOT "A" AND THE WEST LINE  
OF "G" STREET SW (FORMERLY NAMED "E" STREET IN  
SAID PLAT);  
THENCE ALONG SAID WEST LINE OF "G" STREET SW,  
NORTH 00° 01' 00" EAST FOR 16.00 FEET TO THE TRUE  
POINT OF BEGINNING.

SITUATE IN THE CITY OF AUBURN, COUNTY OF KING,  
STATE OF WASHINGTON

and as shown on the survey, a copy of which is attached hereto, marked Exhibit "A" and  
incorporated herein by this reference, the same is hereby vacated and the property lying  
in said portion of right-of-way described hereinabove, shall be returned and belong to  
those persons entitled to receive the property in accordance with the law.

A. Sewer manhole 808-02, the sewer line extending east from that manhole laying through and across the vacated right-of-way as described above and the sewer line extending north from manhole 808-02 within Parcel No. 3915000005, shown on the attached map, a copy of which is attached hereto, marked as Exhibit "B" and incorporated herein by this reference, is declared to be surplus and hereby is transferred to those persons entitled to receive the above described vacated property, along with all future maintenance, removal, relocation and siting of said sewer manhole and associated sewer lines in connection with any future construction being done in conformity with applicable standards.

B. Storm manhole E559, the storm line extending east from that manhole laying through and across the vacated right-of-way as described above and the storm line extending north from manhole E559 within Parcel No. 3915000005, shown on the attached map, a copy of which is attached hereto, marked as Exhibit "B" and incorporated herein by this reference, is declared to be surplus and hereby is transferred to those persons entitles to receive the above described vacated property, along with all future maintenance, removal, relocation and siting of said storm manhole and associated storm lines in connection with any future construction being done in conformity with applicable standards.

**Section 2. Constitutionality or Invalidity.** If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provisions to other persons or circumstances shall not be affected.

**Section 3. Implementation.** The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this location.

**Section 4. Effective Date.** This Ordinance shall take effect and be in force five (5) days from and after passage, approval, and publication as provided by law.

**Section 5. Recordation.** The City Clerk is directed to record this Ordinance with the office of the King County Auditor.

INTRODUCED: \_\_\_\_\_

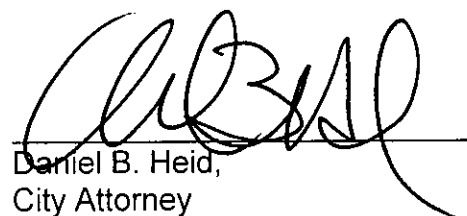
PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
PETER B. LEWIS  
MAYOR

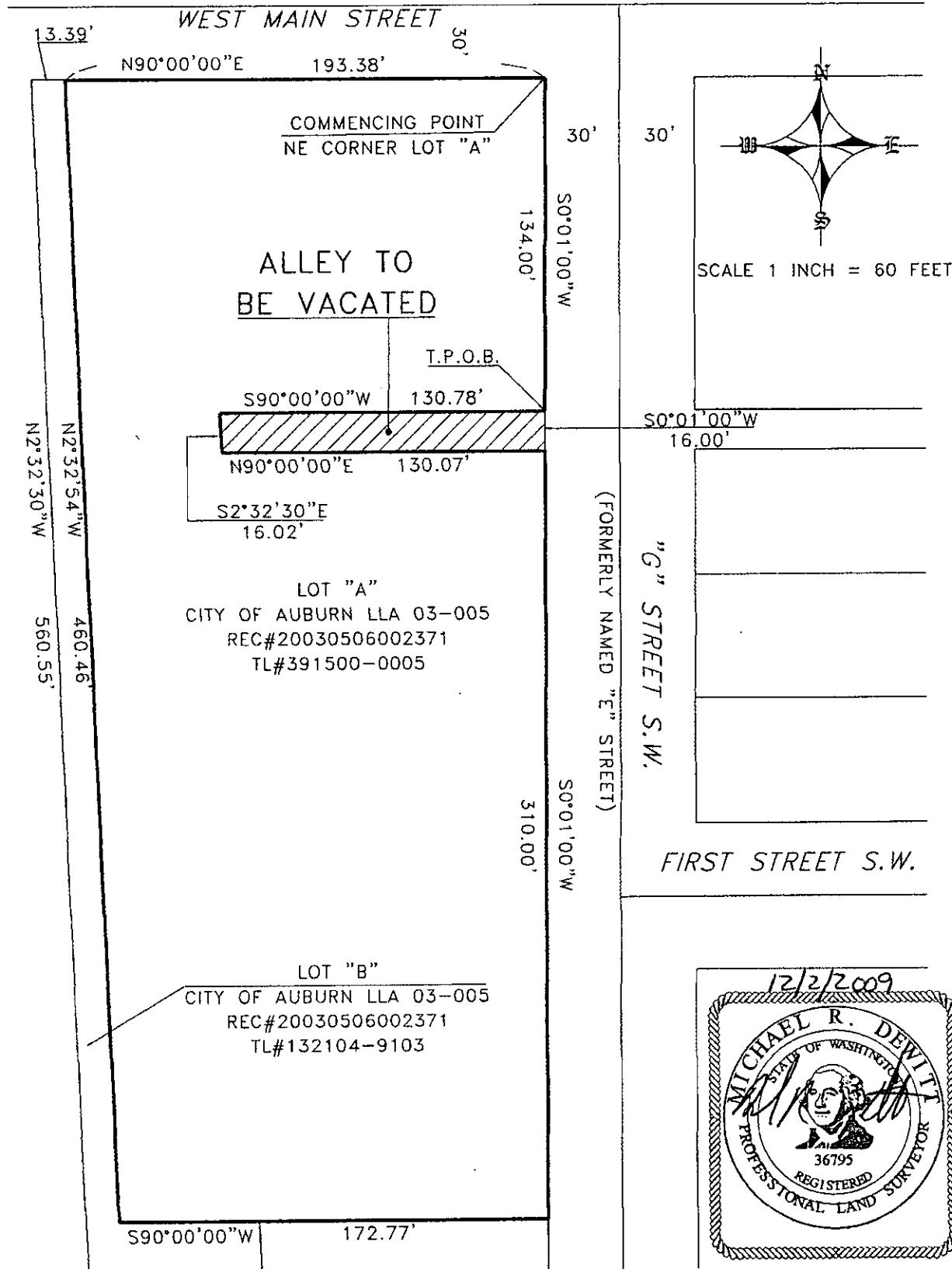
ATTEST:

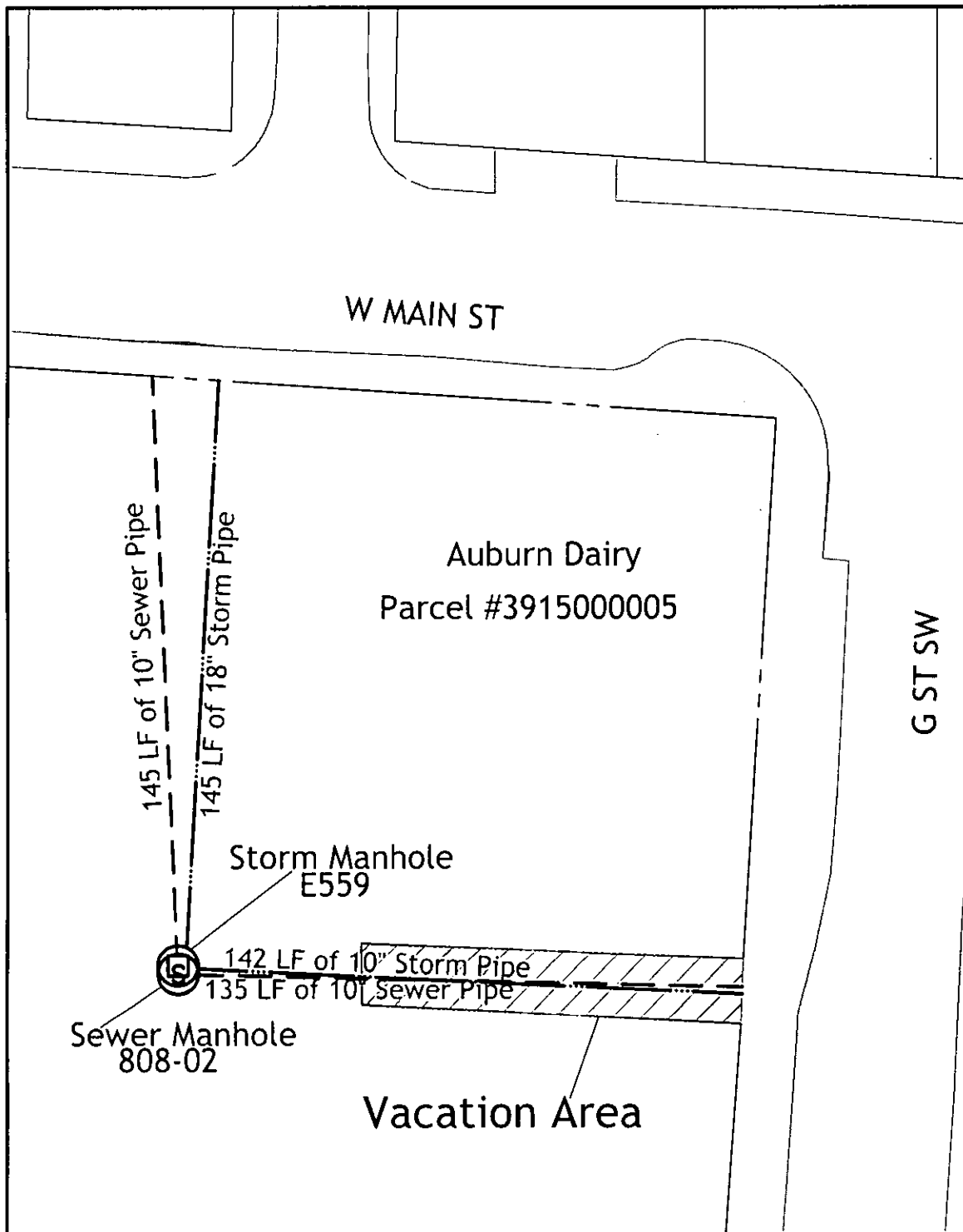
\_\_\_\_\_  
Danielle E. Daskam,  
City Clerk  
APPROVED AS TO FORM:

  
\_\_\_\_\_  
Daniel B. Heid,  
City Attorney

PUBLISHED: \_\_\_\_\_

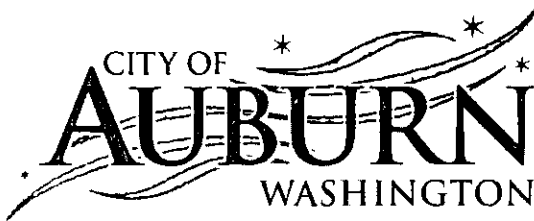
# EXHIBIT "A"





Right-of-Way Vacation #V4-09  
Auburn Dairy Products, Inc.  
Exhibit "B"





## RIGHT-OF-WAY VACATION STAFF REPORT

### Right-of-Way (ROW) Vacation Number V4-09

**Applicant:** Auburn Dairy Products, Inc.

**Property Location:** Right-of-Way in the vicinity of G Street SW between West Main Street and 1<sup>st</sup> Street SW.

**Description of right-of-way:**

This ROW consists of the alley located south of West Main Street and west of G Street SW. The alley is bordered on the north, south and west side by parcel #3915000005, which is owned by and contains Auburn Dairy Products facilities. This portion of ROW is 2,080(+) square feet.

The ROW was initially dedicated to the City of Auburn from Irving B. and Olivia S. Knickerbocker through dedication of the plat Knickerbocker's First Addition to the Town of Auburn, Recording Number 19070812503172, recorded on August 12, 1907.

**Proposal:**

The Applicant proposes that the City vacate the above described alley. The Applicant currently owns the surrounding parcel and is proposing the vacation of the alley which would assist in the expansion of their plant to increase production and streamline their operations. The alleyway would be an integral part of the redesign of the delivery and milk silo work space allowing for a more linear and streamlined production process.

Auburn Dairy Products, Inc. first applied for vacation of this right-of-way 1985, which was granted with the conditions that the applicant pay half of the assessed value of the property and that the utilities that were located within the alley be relocated and approved by the Public Works Department. Due to expense of relocating the utilities the applicant decided that the proposal was not financially feasible at that time for them and the petition for vacation was abandoned.

Auburn Dairy Products, Inc. applied for vacation of this right-of-way again in 2000. Approval of the vacation was granted on this application with the conditions that the applicant assumes ownership of the sewer line located in the alley as a private line abandon and reconstruct a new side sewer and assume ownership of the storm line located in the alley as a private line. These conditions were to be completed during the time of redevelopment or within six months of approval of the vacation. Several extensions for time to complete the conditions were granted, but the conditions were never met so the alley continued to remain right-of-way.

**Applicable Policies & Regulations:**

- RCW's applicable to this situation - meets requirements of RCW 35.79.
- MUTCD standards - not affected by this proposal.
- City Code or Ordinances - meets requirements of ACC 12.48.
- Comprehensive Plan Policy - not affected.
- City Zoning Code - not affected.



**Public Benefit:**

- This street vacation decreases the Right-of-Way maintenance obligation of the City.
- The vacated area will be subject to property taxes.

**Discussion:**

The vacation application was circulated to Puget Sound Energy (PSE), Comcast, Qwest, Verizon and city staff.

1. PSE – “The review indicates that there are no PSE facilities located within said area.”
2. Qwest – No comments
3. Comcast – “Comcast has no facilities in the affected area.”
4. Verizon – No comments
5. Water – No comments
6. Sewer – As a condition of the right-of-way vacation, the applicant will be required to assume ownership of the sewer line which will lie within the applicant's property. The extent of the assumption of ownership includes Sewer Manhole 808-02, the sewer pipe extending east from that manhole within the applicant's property and the proposed vacated right-of-way (approximately 135 LF of 10" pipe), and the sewer pipe extending north from that manhole within the applicant's property (approximately 145 LF of 10" pipe). Although a plan set related to this site shows portions of this line being private, no documentation was found that indicates that a transfer of ownership ever took place.
7. Storm – As a condition of the right-of-way vacation, the applicant will be required to assume ownership of the storm drainage line which will lie within the applicant's property. The extent of the assumption of ownership includes Storm Manhole E559. This includes the storm pipe extending east from Storm Manhole E559 within the applicants property and the proposed vacated right-of-way of approximately 142 LF of 10" pipe, and the storm pipe extending north from Storm Manholes E559 within the applicants property of approximately 145 LF of 18" pipe. Although a plan set related to this site shows portions of this line being private, no documentation was found that indicates that a transfer of ownership ever took place.
8. Transportation – No comments
9. Building – At this time there is no purposed addition or alteration to the existing buildings. We have no building comments.
10. Planning – No comments
11. Fire – No comments
12. Police – No comments
13. Streets – No comments
14. Information Services – No comments
15. General Review – Any future development or building over the vacated ROW will require that the developer/owner vacate all easements and relocate all affected utilities prior to construction.

**Assessed Value:**

ACC 12.48 states “The city council may require as a condition of the ordinance that the city be compensated for the vacated right-of-way in an amount which does not exceed one-half the value of the right-of-way so vacated, except in the event the subject property or portions thereof were acquired at public expense or have been part of a dedicated public right-of-way for 25 years or more, compensation may be required in an amount equal to the full value of the right-of-way being vacated. The city engineer shall estimate the value of the right-of-way to be vacated based on the assessed values of comparable properties in the vicinity. If the value of the right-of-way is determined by the city

engineer to be greater than \$2,000, the applicant will be required to provide the city with an appraisal by an MAI appraiser approved by the city engineer, at the expense of the applicant. The city reserves the right to have a second appraisal performed at the city's expense."

RCW 35.79.030 states the vacation "shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate such city or town in an amount which does not exceed one-half the appraised value of the area so vacated. If the street or alley has been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property or portions thereof were acquired at public expense, the city or town may require the owners of the property abutting the street or alley to compensate the city or town in an amount that does not exceed the full appraised value of the area vacated."

The right-of-way was acquired through dedication of a Plat on August 12, 1907.

**Recommendation:**

Staff recommends that the street vacation be granted subject to the following conditions:

1. Applicant shall assume complete ownership of the sewer line which will lie within the applicant's property. The extent of the assumption of ownership includes Sewer Manhole 808-02, the sewer pipe extending east from that manhole within the applicant's property and the proposed vacated right-of-way of approximately 135 LF of 10" pipe, and the sewer pipe extending north from that manhole within the applicant's property of approximately 145 LF of 10" pipe.
2. Applicant shall assume complete ownership of the storm line which will lie within the applicant's property. The extent of the assumption of ownership includes Storm Manhole E559. This includes the storm pipe extending east from Storm Manhole E559 within the applicants property and the proposed vacated right-of-way of approximately 142 LF of 10" pipe, and the storm pipe extending north from Storm Manholes E559 within the applicants property of approximately 145 LF of 18" pipe.
3. The right-of-way was originally acquired through dedication of a plat at no cost to the city therefore; Staff recommends that compensation for the value of the right-of-way not be required.